

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	M.W. BROWN et al.	Examiner	Kirsten S. Apple
Serial No.	09/895,244	Group Art Unit	3628
Filed	June 29, 2001	Docket No.	AUS920000711US1
TITLE	METHOD, SYSTEM, AND PROGRAM FOR IMPLEMENTING AN AUCTION USING CALENDAR INFORMATION		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being transmitted through the USPTO EFS-Web system over the Internet on January 11, 2007.

/David Victor/

David W. Victor

PRE-APPEAL BRIEF REVIEW REQUEST ARGUMENTS

Applicants request review of the Examiner's rejection of claims 1-45 as obvious (35 U.S.C. §103) over Johnson (U.S. Patent No. 6,047,274) in view of Calabria ("Lotus Notes 4.5 and the Internet").

With respect to claims 1, 18, and 32, Applicants submit that a review of the cited art reveals that it does not teach or suggest the claim requirements of determining scheduled event records for the user within an indicated time period for which a request for bids for a service is received and then generating a template displaying a calendar for the indicated time period for which the user is requesting bids for a service showing time slots. An available time slot for which bids are received for the services comprises a time range in the indicated period that does not include one scheduled event record for the user.

The Examiner cited FIG. 4, items 27 and 29 and col. 15, lines 2-3 of Johnson and pages 137-142 of Calabria with respect to these claims. (Final Office Action, pg. 2)

The cited FIG. 4, items 27 and 29 mentions formulating bids and receiving bids from energy providers of a rate at which energy is charged to end users. Upon receiving bids, a moderator processes the bids to determine which bids apply to which end users, prioritizes the bids, and generates provider selection data. (Johnson, col. 21, line 61 to col. 22, line 7; see also, col. 6, lines 20-56) The cited col. 15 mentions energy providers submitting bids to supply a fixed quantity of power or gas to an end user group for a time period.

Although the cited Johnson discusses energy providers bidding to provide energy services to end users, nowhere is there any teaching or suggestion in the cited Johnson of determining calendar scheduled event records for the user within an indicated time period for a

request for bids for a service and then generating a template displaying a calendar for the indicated time period for which the user is requesting bids for the service showing time slots. Instead, the cited Johnson discusses how energy providers may bid to provide energy to users.

The cited pg. 138 of Calabria discusses creating an appointment document for an invitation. The user can then invite through the calendar program others to attend the appointment or meeting, which causes an email to be sent to the invitees. (pgs. 139-140).

Although the cited Calabria discusses how one may generate emails to invite others to attend a scheduled calendar appointment, nowhere does the cited Calabria teach or suggest how to use a calendar of user scheduled events to determine available time slots for which bids may be received for a service requested by the user. Further, nowhere does the cited Calabria anywhere teach or suggest the claim requirement of determining scheduled event records for the user within an indicated time period for which a request for bids for a service is received and then generating a template displaying a calendar for the indicated time period for which the user is requesting bids. Instead, the cited Calabria discusses how one may create an appointment entry in their calendar and then email invites.

In the Response to Arguments, the Examiner “refutes the argument made by the Applicant and draws attention to Calabria ‘electronic calendar for inviting others’, specifically pg. 139. As mentioned, the cited pg. 139 of Calabria discusses how a user may create an appointment in the calendar to create an email to invite others. However, this process for inviting others to a scheduled calendar appointment nowhere teaches, suggests or mentions the claim requirements of using determining scheduled event records for the user within an indicated time period to determine available time slots for which bids may be received.

Moreover, even if one were to combine Johnson and Calabria, the cited combination still does not teach or suggest the claim requirements of determining scheduled event records within the indicated time period to determine available time slots for which bids may be received. The cited Johnson discusses how a moderator may receive bids from energy providers to provide energy to end users. Modifying this aspect of Johnson with the calendar invitation function of Calabria would allow someone to send invitations for an appointment. However, neither reference teaches or suggests using scheduled event records from a user calendar to determine available time slots for which bids may be received for a service requested by the user.

In other words, there is no teaching or suggestion in either reference that one would look at a calendar database of scheduled events for an energy end user (such as mentioned in Johnson) to determine available time slots for which bids may be received to supply energy to the end user. In fact, energy end users would likely want to bid for power without regard to their calendar scheduled event records. The Examiner has not explained or cited any art that teaches that the energy providers or end users of Johnson would need to have a template displaying the end user's calendar of available time slots for which their bids may be received.

The Examiner cited FIG. 4b, item 264 of Tagawa (U.S. Patent No. 5,732,398), but did not apply this reference in the rejection. (Final Office Action, pg. 6). The cited item 264 mentions displaying a calendar/planner to allow a user to select a date for trip planning. (Tagawa, col. 11, lines 30-37) The Examiner has not shown where this cited Tagawa teaches or suggests using scheduled event records from a user calendar to determine available time slots for which bids may be received for a service requested by the user.

Claims 9, 26, and 40 depend from claims 1, 18, and 32 and further require that the user is a service provider requesting that clients bid for the user to provide the service during available time slots, and further require that in response to an expiration of the bidding period, determining one bid in each available time slot having a highest bid amount if there is at least one bid submitted for the time slot and accepting each bid having the highest bid amount in each available time slot.

The Examiner cited Johnson and Official notice as teaching accepting a highest bid. (Final Office Action, pg. 4). Although accepting a highest or lowest bid in general may be known in the art, the Examiner has not cited any art as teaching the claim requirements of determining one bid in each available time slot having a highest bid amount and accepting each bid having the highest bid amount in the available time slot.

In the Response to Arguments, the Examiner referenced Johnson and Calabria as teaching these requirements. (Final Office Action, pg. 6) As discussed, Johnson discusses how energy providers may provide bids to supply energy to an end user and the cited Calabria discusses how one may invite others to an electronic calendar appointment. However, the Examiner has not cited any part of Johnson or Calabria that teaches the combination of claim requirements of determining one bid in each available time slot having a highest bid amount and accepting each bid having the highest bid amount in the available time slot.

The Examiner again referenced, without applying, item 264 of Tagawa. (Final Office Action, pg. 6) Applicants submit that Tagawa's cited discussion of displaying a planner to allow a user to select a date nowhere teaches or suggests the claim requirements of determining one bid in each available time slot having a highest bid amount and accepting each bid having the highest bid amount in the available time slot.

Claims 10, 27, and 41 depend from claims 1, 18, and 32 and further require that the user scheduled event records are used by a personal information manager (PIM) to provide calendaring information to the user independent of the use of the scheduled event records to generate the template indicating available time slots during for which bids may be submitted.

The Examiner cited the PIM on pg. 139 of Calabria as teaching the additional requirements of these claims. (Final Office Action, pg. 4) Applicants traverse.

The cited Calabria discusses creating a calendar entry and inviting others to meetings. Nowhere does the cited Calabria teach or suggest the that scheduled event records (or calendar entries) are used by a PIM to provide calendaring information independent of the use of these records to generate a template of available time slots for which bids are submitted. Instead, Calabria discusses a calendar program operation to generate emails to invite others to a calendar appointment.

In the Response to Arguments, the Examiner found that Calabria teaches a "dual use" in that "it is implicit that a sub-set of meeting would be a paid meeting for a service." (Final Office Action, pg. 6). Applicants submit that Calabria's discussion of inviting others to an appointment nowhere mentions or suggests anything about the "paid meeting for a service" the Examiner found. Moreover, nowhere does the cited Calabria anywhere teach or suggest using the calendar scheduled events to provide calendar information independent of the use of the scheduled events to determine available time slots for which bids may be received.

The Examiner again also cited, but did not apply, Tagawa. (Final Office Action, pg. 6) The cited item 264 concerns the use of a daily/planner to select dates for local attractions. (Tagawa, col. 11, lines 39-41). Nowhere does the cited Tagawa anywhere teach or suggest using calendar schedule events to determine available time slots for bids and to provide calendaring information independent of the bidding as claimed.

Claims 11, 28, and 42 depend from claims 1, 18, and 32 and further require displaying a calendar indicating the scheduled event records within the time period indicated in the request

for bids, wherein the calendar is capable of enabling the user to modify scheduled event records and add scheduled event records to further limit the available time slots for which bids can be submitted.

The Examiner cited pg. 139 of Calabria as teaching the additional requirements of these claims. (Final Office Action, pg. 4) Applicants traverse.

Although the cited Calabria discusses how one may modify calendar entries in an electronic calendar, nowhere does the cited Calabria anywhere teach or suggest that modifying and adding scheduled event records limits available time slots for which bids can be submitted to provide a service to the user.

Claims 13, 30, and 44 depend from claims 12, 29, and 43 and further require that each scheduled event record further provides a description of the scheduled event, wherein the template displaying the time slots indicated in the determined scheduled event records as unavailable does not display the description of the scheduled event.

The Examiner cited pg. 138, FIG. 22.1 and the “brief description” of Calabria as teaching the additional requirements of these claims. (Final Office Action, pg. 4) The cited pg. 138 of Calabria discusses how a user may create a calendar entry and an invitation to a meeting. Although the cited Calabria discusses how a description of a calendar event may be provided, nowhere does the cited Calabria anywhere teach or suggest that the template displaying certain time slots as unavailable for bidding does not display a description of the scheduled event for that unavailable time slot.

Dated: January 11, 2007

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) AUS920000711US1											
I hereby certify that this correspondence is being transmitted via the EFS_Web System to the United States Patent and Trademark Office on <u>January 11, 2007</u> Signature <u>/David Victor/</u> Typed or printed name <u>David W. Victor</u>		Application Number 09/895244	Filed June 29, 2001										
		First Named Inventor M.W. BROWN											
		Art Unit 3628	Examiner Kirsten S. Apple										
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top; padding: 5px;"><input type="checkbox"/> applicant/inventor.</td><td style="width: 50%; vertical-align: top; padding: 5px;"><u>/David Victor/</u></td></tr><tr><td style="vertical-align: top; padding: 5px;"><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td style="vertical-align: top; padding: 5px;">Signature <u>David W. Victor</u></td></tr><tr><td style="vertical-align: top; padding: 5px;"><input checked="" type="checkbox"/> attorney or agent of record. <u>39,867</u> Registration number _____</td><td style="vertical-align: top; padding: 5px;">Typed or printed name <u>310-556-7983</u></td></tr><tr><td style="vertical-align: top; padding: 5px;"><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td style="vertical-align: top; padding: 5px;">Telephone number <u>January 11, 2007</u></td></tr><tr><td></td><td style="vertical-align: top; padding: 5px;">Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<input type="checkbox"/> applicant/inventor.	<u>/David Victor/</u>	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Signature <u>David W. Victor</u>	<input checked="" type="checkbox"/> attorney or agent of record. <u>39,867</u> Registration number _____	Typed or printed name <u>310-556-7983</u>	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	Telephone number <u>January 11, 2007</u>		Date
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<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Signature <u>David W. Victor</u>												
<input checked="" type="checkbox"/> attorney or agent of record. <u>39,867</u> Registration number _____	Typed or printed name <u>310-556-7983</u>												
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	Telephone number <u>January 11, 2007</u>												
	Date												
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